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ORDINANCE NO. 2007 -029

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
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OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS TO
CHANGE THE FUTURE LAND USE DESIGNATION (FLU) AS
FOLLOWS: **MARSH POINTE WAY PROPERTIES** (LGA 2007-
044); MODIFYING PAGE 25 OF THE FLUA BY CHANGING
THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY
9.38 ACRES OF LAND, LOCATED AT THE NORTH EAST
CORNFR OF HOOD ROAD AND JOG ROAD FROM LOW
RESIDENTIAL 2 (LR-2) TO LOW RESIDENTIAL 3 (LR-3);
PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE
PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.

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WHEREAS, on August 31, 1989, the Palm Beach County Board of
County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
No. 89-17;

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WHEREAS, the Palm Beach County Board of County Commissioners
amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
II, Florida Statutes; and

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WHEREAS, the Palm Beach County Board of County Commissioners have
initiated amendments to several elements of the Comprehensive Plan in
order to promote the health, safety and welfare of the public of Palm
Beach County; and

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WHEREAS, the Palm Beach County Local Planning Agency conducted
its public hearings on June 8, 2007 to review the proposed amendments
to the Palm Beach County Comprehensive Plan and made recommendations
regarding the proposed amendments to the Palm Beach County Board of
County Commissioners pursuant to Chapter 163, Part II, Florida
Statutes; and

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WHEREAS, the Palm Beach County Board of County Commissioners, as
the governing body of Palm Beach County, conducted a public hearing
pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2007 to
review the recommendations of the Local Planning Agency, whereupon the
Board of County Commissioners authorized transmittal of proposed
amendments to the Department of Community Affairs for review and
comment pursuant to Chapter 163, Part II, Florida Statutes; and

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WHEREAS, Palm Beach County received the Department of Community
Affairs "Objections, Recommendations, and Comments Report," dated
October 5, 2007 which was the Department's written review of the

proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on November 26, 2007 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use
Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance as Exhibit 1:

1. Future Land Use Atlas page 25 is amended as follows:

Application No.: Marsh Pointe (LGA 2007-044)

Amendment: From Low Residential, 2 units per acre (LR-2), Low Residential, 3 units per acre (LR-3);

General Location: Northeast corner of Hood Road and Jog Road

Size: Approximately 9.38 acres.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1 **Part IV. Inclusion in the 1989 Comprehensive Plan**

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 **Part V. Effective Date**

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of
26 Palm Beach County, on the 26th day of November, 2007.

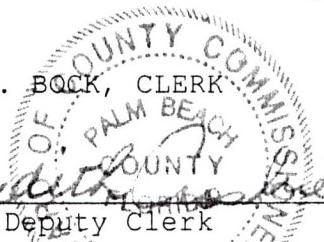
27 ATTEST:

28 SHARON R. BOCK, CLERK

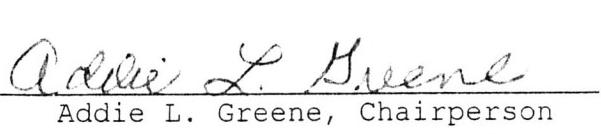
PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

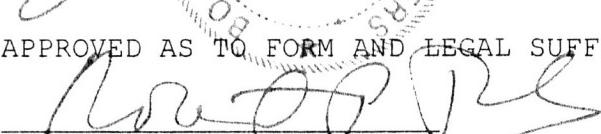
30 By

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32 Deputy Clerk

33 By

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35 Addie L. Greene, Chairperson

36 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

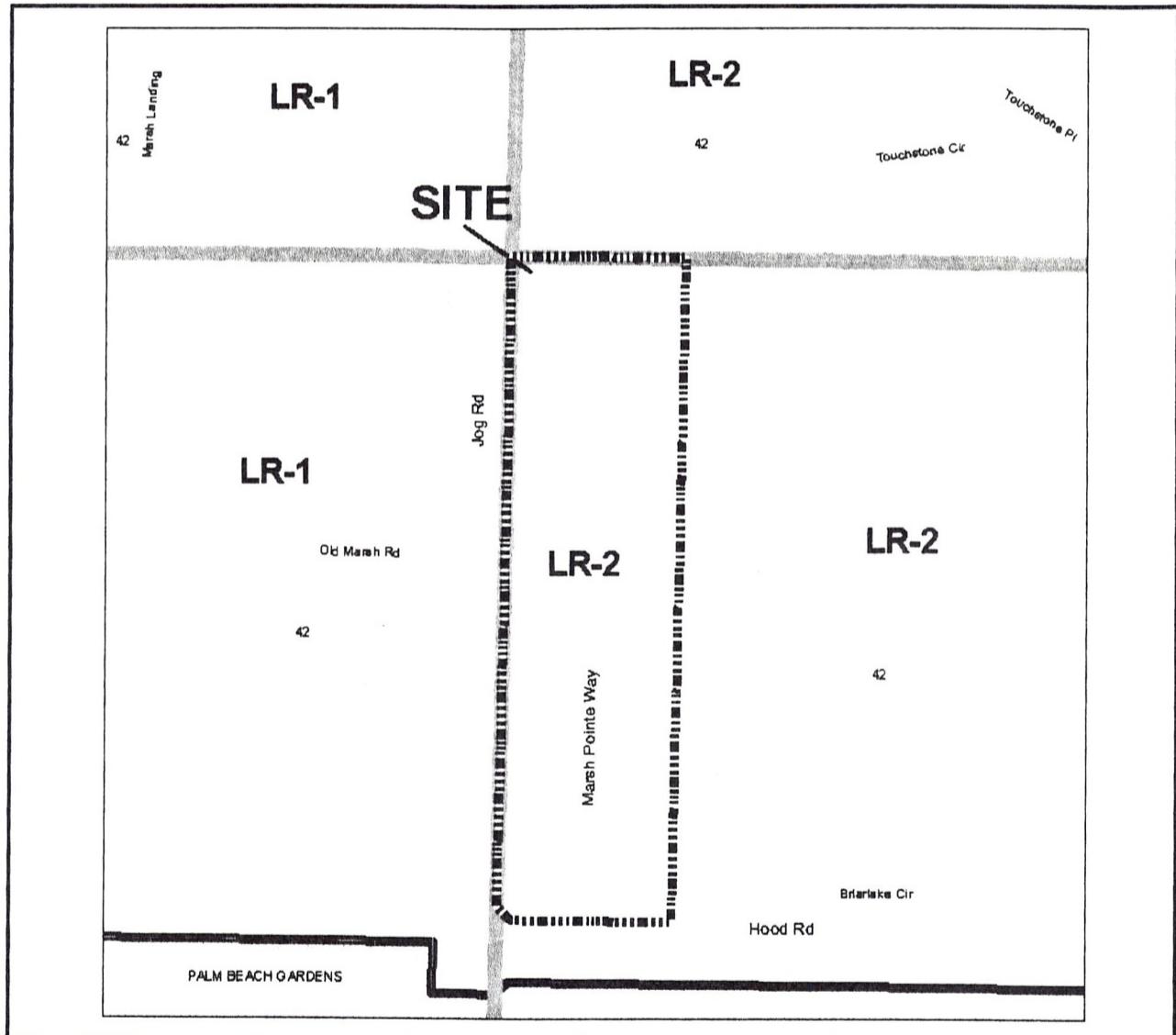
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38 COUNTY ATTORNEY

39 Filed with the Department of State on the 4th day
40 of December, 2007.

Exhibit 1

Amendment No.: LGA 2007-044
FLUA Page No.: 25
Amendment: From Low Residential, 2 units per acre (LR-2) to Low Residential, 3 units per acre (LR-3)
Location: Northeast corner of Hood Road and Jog Road
Size: Approximately 9.38 acres (29 parcels)
Property No.:

0042413405000010	00424134050000110	00424134050000210
0042413405000020	00424134050000120	00424134050000220
0042413405000030	00424134050000130	00424134050000230
0042413405000040	00424134050000140	00424134050000240
0042413405000050	00424134050000150	00424134050000250
0042413405000060	00424134050000160	00424134050000260
0042413405000070	00424134050000170	00424134050000270
0042413405000080	00424134050000180	00424134050000280
0042413405000090	00424134050000190	00424134050180000
00424134050000100	00424134050000200	



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on November 20, 2007

dated at West Palm Beach, FL on 12/11/09

By: Diane Brown, ALM BEC
Deputy Clerk COUNTY
FLORIDA